

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

MCKEE FOODS CORPORATION,

Plaintiff,

v.

STATE OF TENNESSEE,

Intervenor,

v.

**BFP INC. d/b/a THRIFTY MED PLUS
PHARMACY,**

Defendant.

CASE NO. 1:21-CV-00279

**JUDGE ATCHLEY
MAGISTRATE JUDGE LEE**

NOTICE OF APPEAL

Notice is hereby given that Plaintiff McKee Foods Corporation appeals to the United States Court of Appeals for the Sixth Circuit from the district court's Memorandum Opinion and Order entered in this action on February 3, 2023 (Document 67), granting Defendant BFP Inc. d/b/a Thrifty Med Plus Pharmacy's Motion to Dismiss for Lack of Subject Matter Jurisdiction and dismissing this case.

Dated and filed March 1, 2023.

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: /s/William H. Pickering
William H. Pickering (BPR #006883)
Catherine S. Dorvil (BPR #034060)
Liberty Tower – Suite 1700
605 Chestnut Street
Chattanooga, TN 37450
Telephone: (423) 756-3000
Email: wpickering@chamblisslaw.com
cdorvil@chamblisslaw.com

Attorneys for Plaintiff

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
Mark E. Schmidtke, *Admitted Pro Hac Vice*
56 S. Washington Street, Suite 302
Valparaiso, IN 46383
Telephone: (219) 242-8668
Email: Mark.schmidtke@ogletree.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appeal was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

This 1st day of March, 2022.

/s/ William H. Pickering